

Message Text

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ACTION ACDA-19

INFO OCT-01 EUR-25 ISO-00 AEC-11 AF-10 ARA-16 CIAE-00

DODE-00 EA-11 PM-07 H-03 INR-10 IO-14 L-03 NASA-04

NEA-10 NSAE-00 NSC-10 OIC-04 SPC-03 PA-04 PRS-01

RSC-01 SCI-06 SS-20 USIA-15 SAJ-01 DRC-01 /210 W

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R 161625Z JAN 74

FM AMEMBASSY BONN

TO SECSTATE WASHDC 9752

INFO AMEMBASSY MOSCOW

C O N F I D E N T I A L SECTION 01 OF 03 BONN 00784

NOFORN

E.O. 11652: XGDS-1

TAGS: PARM, GW

SUBJECT: NPT RATIFICATION PROCEEDINGS IN FRG

REF: STATE 7969

BEGIN SUMMARY: THIS TELEGRAM REPORTS ON COMMENTS CONCERNING NPT INTERPRETATION WHICH CDU DEPUTY MERTES MADE TO EMBOFF DURING JAN 14 MEETING. IT ALSO NOTES THAT FONOFF IS PRESENTLY ENGAGED IN PREPARATION OF NPT INTERPRETATION. FINALLY, WE OFFER COMMENTS REQUESTED BY DEPT ON WAYS OF HELPING TO MINIMIZE JEOPARDY TO GERMAN NPT RATIFICATION PROCESS WHILE AVOIDING U.S. ROLE IN DOMESTIC GERMAN DEBATE. END SUMMARY

1. CDU BUNDESTAG DEPUTY MERTES ASKED EMBOFF TO CALL JAN 14, PRIOR TO OUR RECEIPT OF DEPT REFTTEL, TO HEAR COMMENTS CONCERNING DRAFT INTERPRETATIVE STATEMENT ON NPT WHICH MERTES HAD PRESENTED DEC 13 TO DEPUTY SECRETARY RUSH. ON JAN 14, MERTES ALSO TRANSMITTED DRAFT INTERPRETATION, AIDE MEMOIRE AND ACCOMPANYING LETTER TO
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FOREIGN MINISTER SCHEEL AND DEFENSE MINISTER LEBER,
ASKING THEIR COOPERATION IN ELABORATING TEXT ACCEPTABLE

BOTH TO GOVERNMENT AND OPPOSITION. ON SAME DATE, DRAFT INTERPRETATION AND ACCOMPANYING DOCUMENTS WERE TRANSMITTED TO THE EIGHT EC MEMBER-STATE AMBASSADORS IN BONN. MERTES IS ALSO SENDING THESE DOCUMENTS TO NATO SYG LUNS, EC COMMISSION PRESIDENT ORTOLI, AND TO AMBASSADOR HILLENBRAND. (WE ARE POUCHING THEM TO EUR/CE - WILGIS.) MERTES TOLD EMBOFF THAT ANY SUCH INTERPRETATION ALSO WOULD HAVE TO BE CONSIDERED BY THE NATO COUNCIL, "IN VIEW OF THE COMMON EUROPEAN INTERESTS" IN THE QUESTION.

2. MERTES SAID HIS RATIONALE FOR DEVELOPING NPT INTERPRETATION IS THE LONG-STANDING SOVIET PRACTICE OF UTILIZING DISPUTES OVER INTERPRETATION OF TREATIES AND DIPLOMATIC INSTRUMENTS TO ADVANCE RUSSIAN INTERESTS AND TO PREJUDICE WESTERN INTERESTS. HE SAID THE PAST YEAR OF BONN-MOSCOW QUARRELS OVER THE BERLIN AGREEMENT AND THE INNER-GERMAN SQUABBLING OVER THE FRG/GDR BASIC RELATIONS TREATY HAD BEEN FRESH CASES IN POINT. IN THE NPT CONTEXT, A SOVIET DIPLOMAT HAD TOLD MERTES PRIVATELY THAT THE THEORY OF EUROPEAN UNIFICATION WAS FINE BUT THAT THE USSR COULD NOT ABIDE CONCRETE STEPS LEADING TO EVENTUAL EDC TYPE ARRANGEMENTS ENTAILING A GERMAN NUCLEAR ROLE. MERTES TOLD EMBOFF THAT A CLEAR FRG INTERPRETATION OF THE NPT THEREFORE MUST BE A PRE-CONDITION TO CDU/CSU APPROVAL, GIVEN THE GEOGRAPHICAL PROXIMITY OF THE SOVIET UNION TO THE FRG, GERMAN DEPENDENCE ON THE "BORROWED MILITARY STRENGTH" OF THE U.S. AND THE POLITICAL-PSYCHOLOGICAL WEIGHT OF PAST GERMAN RELATIONS WITH SOVIET RUSSIA.

3. MERTES THEN VOLUNTEERED THE FOLLOWING COMMENTS ON HIS DRAFT INTERPRETATION, AS PEGGED TO THE TEXT IN DEPT. REFTEL.

A. INTRODUCTORY - THE MERTES TEXT SAYS "NOTIFICATION (OF THE FRG INTERPRETATIVE STATEMENTS)...., SHOULD BE MADE SUBJECT TO RATIFICATION, TO THE THREE DEPOSITORY POWERS." IN FACT, IT IS FRG RATIFICATION WHICH WOULD BE SUBJECT TO ACCEPTANCE OF THE INTERPRETATIVE DECLARATION, VIA ACKNOWLEDGMENT OF RECEIPT OF THE NOTIFICATION
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DOCUMENT.

B. PARA 1 IS DESIGNED AS AN ACT OF SOLIDARITY IDENTIFYING THE FRG INTERPRETATION WITH THAT OF THE U.S.

C. PARA 2 - THE AMERICAN INTERPRETATION OF EUROPEAN STATE SUCCESSION IS POLITICALLY AND LEGALLY INSUFFICIENT. BUT THIS CRITICAL VIEW SHOULD NOT BE FORMULATED IN NEGATIVE TERMS. RATHER, THE U.S. INTERPRETATION OF SUCCESSION REFLECTS THE END GOAL AND FINAL STAGE OF

EUROPEAN UNION. PARA 2 MEANS THAT NONTERMIARY
STAGE SHOULD BE BARRED; THE KEY WORD IS "INTO." EMBOFF
COMMENTED THAT, IN JUXTAPOSITION TO THE STATED PURPOSE
OF PARA 1, PARA 2 WOULD SEEM DESIGNED TO IDENTIFY THE

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ACTION ACDA-19

INFO OCT-01 EUR-25 ISO-00 AEC-11 AF-10 ARA-16 CIAE-00

DODE-00 EA-11 PM-07 H-03 INR-10 IO-14 L-03 NASA-04

NEA-10 NSAE-00 NSC-10 OIC-04 SPC-03 PA-04 PRS-01

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R 161625Z JAN 74

FM AMEMBASSY BONN

TO SECSTATE WASHDC 9753

INFO AMEMBASSY MOSCOW

C O N F I D E N T I A L SECTION 02 OF 03 BONN 00784

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U.S. INTERPRETATION WITH THAT OF MERTES.

D. PARA 3 - THE WORD "SIMULTANEOUS" SHOULD BE
REPLACED

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ACTION ACDA-19

INFO OCT-01 EUR-25 ISO-00 AEC-11 AF-10 ARA-16 CIAE-00

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C O N F I D E N T I A L SECTION 03 OF 03 BONN 00784

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CONCRETE DISCUSSION OF A POSSIBLE NPT INTERPRETATION BETWEEN THE GOVERNMENT AND OPPOSITION WOULD COME AT THESE COMMITTEE MEETINGS. GIVEN THE U.S. WISH TO AVOID INTERFERING IN THE GERMAN POLITICAL DEBATE, U.S. REPRESENTATIONS TO THE FONOFF PROBABLY SHOULD BE DIRECTED AT OFFENSIVE PASSAGES OF THE INTERPRETATION AND PROCEDURAL ASPECTS OF ITS NOTIFICATION RATHER THAN AT THE CONCEPT OF AN INTERPRETATION PER SE. THE FONOFF SEEMS PREPARED TO ACCEPT THIS KIND OF APPROACH. AN EARLY DEMARCHE AT THE FONOFF MIGHT AVOID UNWANTED GOVERNMENT POSITIONS DURING THE UPCOMING BUNDESTAG COMMITTEE DISCUSSION. BUT IN VIEW OF PRESENT FONOFF RETICENCE AND THE PRIVATE NATURE OF U.S. CONVERSATIONS WITH THE CDU, WE BELIEVE SUCH A U.S. DEMARCHE, IF APPROPRIATE, WOULD BE BETTER RESERVED PENDING OUR LEARNING DETAILS OF THE FONOFF POSITION AND THE NATURE OF THE INITIAL GOVERNMENT/OPPOSITION DISCUSSION. MEANWHILE, MERTES, WHO AS A FORMER FONOFF DISARMAMENT EXPERT AND AIDE TO AMB. SCHNIPPENKOETER, IS VERY FAMILIAR WITH LIKELY U.S. OBJECTIONS, WILL HAVE BEEN PUT ON NOTICE OF U.S. INTENTION TO VOICE OBJECTIONS CONCERNING HIS DRAFT WITH THE
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FONOFF.

HILLENBRAND

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Message Attributes

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